

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
08/942,810	02/27/97	WATTERSON	S 2727.1US

TRASK BRITT & ROSSA  
P O BOX 2550  
SALT LAKE CITY UT 84110-2550

0242/0129

NOT ASSIGNED

3302

DATE MAILED:

01/29/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted ALONG WITH THE PAYMENT OF A SURCHARGE for items 1 and 3-6 only of \$ 130.00 for a  large entity  small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

*If all required items on this form are filed within the period set above, the total amount owed by applicant as a*  
 *large entity*  *small entity (verified statement filed)*, is \$ 130.00.

1. The statutory basic filing fee is:

missing.  
 insufficient.

*Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).*

2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.  
*Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.*

3. The oath or declaration:

is missing.  
 does not cover the newly submitted items.  
 does not identify the application to which it applies.  
 does not include the city and state or foreign country of applicant's residence.

*An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.*

4. The signature(s) to the oath or declaration is/are:

missing.  
 by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

*An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.*

6. A \$ \_\_\_\_\_ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).  
 7. Your filing receipt was mailed in error because your check was returned without payment.  
 8. The application does not comply with the Sequence Rules.  
*See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."*  
 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

*✓ Chadwick*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

**A copy of this notice MUST be returned with the response.**

**BEST AVAILABLE COPY**



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Scott R. Watterson and William T.  
Dalebout

**Serial No.:** 08/942,810

**Filed:** October 2, 1997

**For:** REORIENTING TREADMILL

**Examiner:** To be assigned

**Group Art Unit:** 3302

**Attorney Docket No.:** 2727.1

**CERTIFICATE OF MAILING**

I hereby certify that this paper or fee along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail (under 37 C.F.R. § 1.8(a)) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

3/26/98  
Date of Deposit

  
Signature of registered practitioner or other person having reasonable basis to expect mailing to occur on date of deposit shown pursuant to 37 C.F.R. § 1.8(a)(1)(ii)

JoAnn Bawden  
Typed/printed name of person whose signature is contained above

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION AND PETITION UNDER 37 C.F.R. § 1.181 TO WAIVE FEE**

Attn: Manager, Application Division  
Special Handling Unit  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed as Exhibit 1 is a copy of the Notice to File Missing Parts of Application dated January 29, 1998 (hereinafter referred to as the "NOTICE"). The NOTICE is checked to indicate that the Oath or Declaration is missing. However, the Oath/Declaration was submitted along with all other parts of the application. Attached as Exhibit 2 is a copy of the postcard sent with the application showing "w/Declaration" to reflect that the "as-filed" application was included along with the earlier filed "Declaration". In short, Applicants included the Declaration with the application materials; and the date-stamped post card shows that it was received at the PTO on October 2, 1997. Presumably the missing "Declaration" was misplaced or lost after it was received by the PTO.

Attn: Manager, Application Division  
Special Handling Unit  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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Under the circumstances, Applicants request that the requirement to pay a surcharge be withdrawn. Clearly the NOTICE was issued on the assumption that the Applicants had failed to provide the required Declaration. However the post card establishes that the required Declaration was filed. In turn the surcharge is inappropriate.

If the requirement to pay a surcharge is not withdrawn, then under the provisions of 37 C.F.R. § 1.181, Applicants request that the Commissioner withdraw the requirement to pay the surcharge.

Under the provisions of 37 C.F.R. § 1.181(b), the first paragraph above sets out the facts. It is Applicants position that the applicant for a patent should not be obligated to pay a surcharge to correct what appears to be an error of the PTO. Thus, Applicants request that the rule requiring payment of a surcharge be waived when the missing part is not due to an error of applicant.

In order to advance the Application and to be responsive to the NOTICE, an additional copy of the Declaration (Exhibit 3) showing the original signatures is also attached. A copy of the Declaration in lieu of the original is permitted for this divisional application under the provisions of 37 C.F.R. § 1.60(b) [now canceled; but applicable at the time of filing] and also under the provisions of 37 C.F.R. § 1.63 (d) [as now amended].

The surcharge fee is not enclosed because applicant believes that the fee should not be required as outlined above. HOWEVER, if the fee is required, it may be charged to deposit account 20-1469.

This document is being filed within two (2) months from the mailing date of the Notice to File Missing Parts. No extension fees are required.

Attn: Manager, Application Division  
Special Handling Unit  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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Applicants request that the above identified application be deemed complete and passed to the group art unit for examination.



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Thomas J. Rossa  
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P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
(801) 532-1922

Enclosures: Exhibit 1 Copy of Notice To File Missing Parts of Application  
Exhibit 2 Copy of date-stamped post card  
Exhibit 3 Copy of Originally signed Declaration

U.S. PATENT & TRADEMARK OFFICE MAILROOM DATE STAMPED  
RECEIVED IS AN ACKNOWLEDGEMENT THAT ON THE DATE THE  
PATENT & TRADEMARK OFFICE RECEIVED:

Transmittal of Filing Under 37 C.F.R. § 1.60(b) w/Certificate of  
Mailing by "Express Mail" (in duplicate); Copy of latest inventor-  
signed prior application as filed w/Declaration; Check No. 8885 for  
\$790.00; Copies of original drawings (15 sheets, 16 FIGS.) 15  
Sheets of Formal Drawings (16 FIGS.)

Invention: REORIENTING TREADMILL  
Applicant(s): Scott R. Watterson; William T. Dalebout  
Filing Date: January 30, 1996  
Serial No.: 08/593,796  
Date Sent: October 2, 1997 via First Class Mail  
Client/Matter Docket No.: 1442/2727, 1  
TJR/df

60614 U.S. PTO  
08/942810  
10/02/97





*Sector*  
PATENT  
Attorney Docket No. 2727.1US

CERTIFICATE OF MAILING (under 37 C.F.R. § 1.10 if checked)

I hereby certify that this transmittal along with all items checked below is being deposited with the United States Postal Service  
 as first class mail, postage prepaid (37 C.F.R. § 1.8)  
 "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10  
 Express mail label mailing number:

on the date inserted below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

JoAnn Bawden  
Typed name of person mailing transmittal

March 9, 1998  
Date of Deposit

  
Signature of person mailing transmittal

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:	To be assigned	Group Art Unit No.:	3302
Applicant(s):	Scott R. Watterson and William T. Dalebout	Filing date:	October 2, 1997
Serial No.:	08/942,810	For (title):	REORIENTING TREADMILL

COMMUNICATION TRANSMITTAL

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed for filing in connection with the above-identified patent application, and submitted in the order listed, are:

Postcard receipt acknowledgment (attached to the front of this transmittal).  
 Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16. Any such fees may be charged to deposit account no. 20-1469.  
 Check no. in the amount of \$ for the presentation of extra claims as calculated in the remarks section below.  
 Preliminary amendment.  
 Amendment or other communication in response to the non-final office action mailed.  
 Amendment or other communication under 37 C.F.R. § 1.116 in response to the final office action mailed.  
 Petition for Extension of Time in duplicate with check no. in the amount of \$.  
 Verified statement(s) to establish small entity status under 37 C.F.R. § 1.9 and 37 C.F.R. § 1.27 signed by (or on behalf of).  
 Information disclosure statement and information disclosure citation form PTO-1449 with copies of listed documents.  
 Response to Notice To File Missing Parts with Exhibits 1, 2, & 3.

Remarks:

An amendment has been made involving one or more claims in the application. The calculation to determine whether any additional fee is due is presented below.

1	2	3	\$EXTRA
Total claims	-	=	x 22.00 =
Indep. claims	-	=	x 80.00 =
First presentation of a multiple dep. claim	(+ 270.00)		
<b>SUBTOTAL</b>			
Reduction for small entity - 50% of subtotal*			
<b>TOTAL ADDITIONAL FEE (subtotal minus any reduction)</b>			

\*Verified statement(s) must be attached to support this reduction if small entity status has not been previously established.

1 Claims remaining after amendment.

2 Highest number of claims previously paid for. Not less than 20 for total claims and 3 for independent claims.

3 Difference between claims remaining and highest number previously paid for. If less than zero, enter "0."

The commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to deposit account no. 20-1469 during the entire pendency of this application.

Respectfully submitted,  


Thomas J. Rossa  
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P.O. Box 2550  
Salt Lake City, UT 84110-2550  
(801) 532-1922

Date: March 26, 1998

Enclosures: As identified above